SUPREME COURT, U.S.

JAN 29 1974

MICHAEL RODAK, JR., CLERK

No. 73-847

In the Supreme Court of the United States

OCTOBER TERM, 1973

CLIFFORD JONES A/K/A GLASSES, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ROBERT H. BORK,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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Following a jury trial in the United States District Court for the District of Nebraska, petitioner was convicted of distributing heroin, in violation of 21 U.S.C. 842(a)(1). He was sentenced to ten years' imprisonment and a special parole term of three years. The court of appeals affirmed on October 29, 1973 (Pet. App.). The petition for a writ of certiorari was not filed until November 29, 1973, and is therefore out of time under Rule 22(2) of the Rules of this Court.

Petitioner's sole contention is that he was denied a fair trial because some members of the jury had recently served as jurors in previous narcotics cases involving the same government witnesses. This conten-

tion was explored and rejected in the opinion of the court of appeals (Pet. App. A 9), on which we rely.[1]

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

JANUARY 1974.

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[1]See also *United States* v. *Williams*, 484 F. 2d 176 (C.A. 8), certiorari denied, December 3, 1973, No. 73-5341; *United States* v. *Tropeano*, 476 F. 2d 586 (C.A. 1), certiorari denied, October 9, 1973, No. 72-6693; *United States* v. *Ragland*, 375 F. 2d 471 (C.A. 2), certiorari denied, 390 U.S. 925.